

STATE OF UTAH  
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March 3, 2010

Steven A. Wuthrich  
1011 Washington, Suite 101  
Montpelier, Idaho 83254

Subject: Star Stone Submittal of Notice of Intention to Commence Large Mining Operations, Star Stone, Peoa Blonde Quarry, M/043/0012, Summit County, Utah

Dear Mr. Wuthrich:

I am in receipt of your letter dated January 19, 2010, concerning the order of the Board of Oil, Gas and Mining that Star Stone Quarries file a revised Notice of Intention to Commence Large Mining Operations (NOI) for the Peoa Blonde quarry. The letter says Star Stone has still not revised its NOI to correctly identify right of entry for the area as required by the Board of Oil, Gas and Mining.

In compliance with the Board's Order, Star Stone submitted a revised NOI. The Division first received a revised NOI on March 14, 2008, reflecting Wright-Garff Resources' (WGR) five-acre mine site, and the Division responded with a review dated June 12, 2008. Star Stone submitted a response on January 23, 2009, and the Division responded with a review on February 17, 2009. During the review and after this submittal, the Division was continually advised by both Star Stone and WGR that the dispute over control of the mining area was under negotiation. The Division understands that the parties are involved in litigation that is yet to be resolved and that Star Stone has been denied access to the mine as part of this litigation. The Division has at various times understood the dispute was being resolved by an agreement that was being pursued and has recently met with WGR about a transfer of the permit.

Apparently the litigation and other efforts to reach a resolution have not been successful. The Division asked for a new submittal of the revised NOI by January 31, 2010, and Star Stone requested a delay until March 31, 2010, to submit corrections to the plan. The revised NOI is basically a plan

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Div. of Oil, Gas & Mining



for reclamation of the site, with the exception of the portion of the site covered by WGR's small mine permit. Star Stone will require access to the property in order to perform this reclamation. WGR will need to cooperate with Star Stone and the Division.

The Division's primary responsibility is to insure that mined land is successfully reclaimed, and once the revised NOI is complete, we will expect Star Stone to take prompt action to complete the reclamation. If there are any legitimate reasons that WGR would preclude access for this purpose, we need to resolve these issues. Since Star Stone has filed a bond to guarantee complete reclamation, they have the right to do this work and obtain the return of the bond. Even if we were to terminate the NOI and seek forfeiture of their bond, we must first provide them the opportunity to reclaim. Your client cannot just object to the status quo and also preclude access.

If access continues to be blocked and reclamation prevented, the Division will consider its options against all parties under Utah Code § 40-8-9 in order to see that reclamation is completed. If you have questions or need further information about this issue, please contact Paul Baker at 801-538-5261 or by e mail at paulbaker@utah.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Alder", with a stylized flourish at the end.

Steve Alder  
Assistant Attorney General  
Utah Division of Oil, Gas and Mining.

JRB:pbb:jac

cc: Lon Thomas, Star Stone  
Stephen\_allen@blm.gov

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